

# Calendar No. 1305

77TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ No. 1265

## VERNON E. DEUS

APRIL 23 (legislative day, MARCH 30), 1942.—Ordered to be printed

Mr. O'DANIEL, from the Committee on Claims, submitted the following

### REPORT

[To accompany S. 2292]

The Committee on Claims, to whom was referred the bill (S. 2292) for the relief of Vernon E. Deus, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The bill provides for the payment of \$1,377 in full satisfaction of a judgment of the District Court of the United States for the District of Columbia on January 27, 1942, in civil action against Vernon E. Deus, a Capitol policeman, as a result of injuries sustained by Fred Walker, Jr., on June 24, 1940, while he was being detained at the guardroom of the Senate Office Building.

The record shows that two Capitol policemen caught four Negro children swimming in the pool on the west front grounds of the Capitol. The children were taken to the guardroom in the Senate Office Building and turned over to Sergeant Deus. About the time the children were brought into the presence of Sergeant Deus he had been cleaning his gun and it was lying on a table. He walked over to the table to pick up his gun and put it into his holster, when the gun was accidentally discharged and the bullet struck Fred Walker, Jr.

Suit was brought against Sergeant Deus in the District Court for the District of Columbia and judgment entered against him in the amount covered by the bill.

In reporting on the bill the Sergeant at Arms states that Sergeant Deus was acting within the scope of his employment at the time of the accident and it is his opinion, after a careful investigation of the case immediately following the difficulty, that the shooting was purely accidental.

Sergeant Deus is not financially able to pay this judgment.

In view of all the circumstances your committee recommend the passage of the bill.

The following communications are appended hereto and made a part of this report.

VERNON E. DEUS

SENATE OF THE UNITED STATES,  
OFFICE OF THE SERGEANT AT ARMS,  
March 2, 1942.

Hon. PRENTISS M. BROWN,  
*Chairman, Committee on Claims,  
United States Senate.*

DEAR SENATOR BROWN: Receipt is acknowledged of your letter of February 20, concerning S. 2292, for the relief of Vernon E. Deus.

I am enclosing herewith copies of all papers in the files of the office of the captain of the Capitol Police.

In my opinion, S. 2292 should be reported favorably by your committee and enacted into law by the Congress of the United States. Sergeant Deus was acting within the scope of his employment at the time of the accident, and it was my opinion after a careful investigation of the case immediately following the difficulty that the shooting was purely accidental.

Sergeant Deus is not financially able to pay this judgment, and as it will continue to remain a cloud on his record and prevent him from obtaining other employment, I hope that S. 2292 will be enacted into law.

I am with high regard,

Sincerely yours,

CHESLEY W. JURNEY,  
*Sergeant at Arms.*

DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

*Fred Walker, plaintiff, vs. Vernon O. Deus, defendant*

Civil Action No. 7786

The PRESIDENT OF THE UNITED STATES to Acting Capt. Roy W. Brown, United States Capitol Police, United States Capitol:

You are hereby commanded to appear before this court to testify as a witness in the above-entitled cause on the 8th day of December, 1941, at 10 o'clock a. m., and bring with you the record of Sgt. Vernon O. Deus' service with the United States Capitol Police showing all personnel information on file regarding any previous service by Sergeant Deus in any of the armed forces of the United States or any State; and all records of qualifications or competitions engaged in by Sergeant Deus in the use of firearms; and all regulations in force June 24, 1940, concerning the use of firearms by the United States Capitol Police; and do not depart the court without leave.

Witness: The Honorable Chief Justice of said court this 4th day of December 1941.

[SEAL]

CHARLES E. STEWART, *Clerk.*  
By JOHN O. BOWEN,  
*Assistant Clerk.*

CHARLES H. HOUSTON,  
*Attorney for plaintiff.*

UNITED STATES CAPITOL POLICE,  
OFFICE OF THE CAPTAIN,  
*Washington, D. C.*

PERSONNEL RECORD OF SGT. V. O. DEUS

1. Appointed to the United States Capitol Police force, January 18, 1936.
2. Promoted to sergeant, February 1, 1937.
3. Has been instructor of the United States Capitol Police in the use of firearms and in target practice since February 1, 1937.
4. Sergeant Deus' record has been very good. He is a conscientious worker and has always done his duty well. His character is good and above reproach.
5. Sergeant Deus is familiar with the use and care of firearms and has had no prior accident with his revolver.

ROY W. BROWN,  
*Acting Captain,  
U. S. Capitol Police.*

UNITED STATES CAPITOL POLICE,  
OFFICE OF THE CAPTAIN,  
*Washington, D. C., June 24, 1940.*

STATEMENT OF SGT. VERNON O. DEUS, CONCERNING THE ACCIDENTAL DISCHARGE OF HIS GUN AND THE INJURY RESULTING TO FRED WALKER, JR., A NEGRO CHILD

Officer Hamrick and Officer Lidinsky brought four children into the back room of the guardroom where I had been cleaning my gun and at the time they entered the room my gun was lying on the table. Officer Lidinsky and Officer Hamrick walked out of the room, leaving me alone with the children. I walked over to the table to pick up my gun and put it into my holster. As I picked up the gun it accidentally discharged and bullet therefrom hit one of the children. The name of the child injured was Fred Walker, Jr.

I immediately took the child and put him into the squad car and, accompanied by Officer Hamrick, took the child to Casualty Hospital and turned him over to Dr. Fletcher, who took charge of the case.

Respectfully submitted.

Sgt. V. O. DEUS.

UNITED STATES CAPITOL POLICE,  
OFFICE OF THE CAPTAIN,  
*Washington, D. C., June 24, 1940.*

STATEMENT OF OFFICER FRANK LIDINSKY CONCERNING THE ACCIDENTAL DISCHARGE OF THE GUN OF SERGEANT VERNON O. DEUS, CAUSING INJURY TO A NEGRO CHILD BY THE NAME OF FRED WALKER, JR., 912 FIFTH ST. SW., WASHINGTON, D. C. AGE 10 YEARS:

Officer Hoffman and myself caught four Negro children swimming in the pool on the west front grounds of the Capitol. Their names are Margaret Marie, 12 years of age; Fred Walker, Jr., 10 years of age; Elija Marie, 12 years of age; John Marie, 9 years of age.

Whereupon we took the children to the guardroom in the Senate Office Building to turn them over to Sergeant Deus in order that he might inflict upon them a severe warning that they should not swim in the pool.

We summoned the squad car and Officer Hamrick, who was driving the car, and myself took the children to the guardroom and into the back room where at that time Sergeant Deus was cleaning his revolver. Officer Hamrick and myself went into the front room, leaving the children with Sergeant Deus, to get a drink of water. While we were getting the drink of water we heard Sergeant Deus' gun go off, and immediately after the discharge Sergeant Deus yelled, "My God; my gun went off". Officer Hamrick and myself ran back into the back room and found the Negro child Fred Walker, Jr., lying on the floor, bleeding from the neck.

Sergeant Deus called an ambulance, but then decided to take the boy to Casualty Hospital in the squad car. Officer Hamrick accompanied Sergeant Deus and the boy to the hospital and I remained in the guardroom.

Respectfully submitted.

FRANK LIDINSKY.

I hereby certify that the account given by Officer Lidinsky is correct and identical to my version of the accident.

Respectfully submitted.

ASA HAMRICK.



